

### REMARKS

Claims 1, 4 - 8, 10, and 12 - 15 are now in the case.

Applicant notes with appreciation the indication by the Examiner that Claims 7, 9 and 11 are directed to allowable subject matter. Claim 13 is a rewriting of Claim 7 in independent form, incorporating the subject matter of Claim 1 as originally submitted along with formerly intervening Claims 2, 4, 5 and 6.

New Claim 14 is a rewriting in independent form of Claim 9, incorporating the subject matter of Claim 1 as originally presented and formerly intervening Claim 2.

Claim 15 is a rewriting of Claim 11 in independent form along with the subject matter of Claim 1 as originally presented along with formerly intervening Claims 2, 4 and 5.

Claim 1, the only other independent claim in the case, has been substantially amended to recite structural elements and cooperative relationships not taught or suggested by the art of record, including U.S. Patent No. 6,766,881 (Carty).

Claim 1 (currently amended) now states that the holder front panel is not directly attached to the ladder and readily movable relative thereto whereby the holder front panel is free to shift position under the influence of gravity relative to the ladder and relative to the holder top panel upon tilting of the

ladder from a vertical orientation to prevent tools or other objects held by the holder front panel from being disengaged from the holder front panel and falling from the holder.

Claim 1 now also recites holder side panels attached to the holder front panel and depending downwardly therefrom. It is recited that the holder side panels are not directly attached to the ladder and are readily movable thereto whereby the holder side panels are free to shift position along with the holder front panel under the influence of gravity relative to the ladder and relative to the holder top panel upon tilting of the panel from a vertical orientation to prevent tools or other objects held by the holder side panels from becoming disengaged from the holder side panels and falling from the holder.

It is also recited that at least one of the holder front panel and holder side panels includes an open topped pocket for holding a tool or other object, shifting of position of the holder front panel and holder side panels causing a shift of position of the open topped pocket relative to the ladder to maintain the open top thereof disposed above the remainder of the open topped pocket.

Such an arrangement is not suggested by Carty; in fact, Carty teaches directly away from the applicant's claimed arrangement, as set forth in Claim 1. In Carty the end and back panels conform closely to the outlines of corresponding sides of

the ladder at its upper end and are attachable to each other at adjoining side edges to fit snugly around the ladder. This is accomplished by complimentary hook or loop fastener strips provided at the edges of the back and end panels as well as the front panel of Carty. Tilting of the ladder upon which the tool holder of Carty is installed will cause exactly the same corresponding movement of the tool holder, causing tools or other objects in the pockets of the tool holder to fall out if the tilt becomes too pronounced.

It is submitted that Claim 1 (currently amended) clearly patentably defines over Carty either standing alone or in combination with other known prior art. Claims 4 - 8, 10 and 12 depend either mediately or immediately from Claim 1 (currently amended) and thus incorporate by reference all of the subject matter of that parent claim. It is submitted that the features recited in these dependent claims are entitled to patent protection when incorporated as part of the novel overall combination set forth in Claim 1 (currently amended).

It is believed that this case is now in condition for issuance of a Notice of Allowance and such action is earnestly solicited.

Respectfully submitted,

By: 

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